

Introduced by Senators Emmerson and Beall
(Coauthor: Assembly Member Blumenfield)

February 21, 2013

An act to add Section 4685.8 to the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 468, as introduced, Emmerson. Developmental services: statewide self-determination project.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services contracts with regional centers to provide support and services to individuals with developmental disabilities. Under existing law, the regional centers purchase needed services and supports for individuals with developmental disabilities through approved service providers, or arrange for their provision through other publicly funded agencies. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements. Existing law establishes, contingent upon approval of a federal waiver, the Self-Directed Services Program, and requires the program to be available in every regional center catchment area to provide participants, within an individual budget, greater control over needed services and supports.

This bill would require the department to implement a statewide self-determination project under which funds from regional center budgets are allocated for local self-determination projects that will enhance the ability of a consumer and his or her family to control the decisions and resources required to meet the objectives in his or her individual program plan. The statewide project would be phased in over

3 years, and serve up to 2500 regional center consumers. The bill would require the department to ensure, among other things, that self-determination is available as a choice and participants in the project reflect the disability, ethnic, and geographic diversity of the state. The bill would require self-determination projects to include, among other things, increased consumer and family control over which services best meet their needs and the IPP objectives and comprehensive person-centered planning. This bill would require a self-determination project to establish a local advisory committee, as prescribed, to provide oversight of the project and to submit, by September 1, 2016, specified recommendations to the department regarding the effectiveness of the project.

This bill would require the department to report to the Legislature, as provided, by January 1, 2017, regarding the status of each project established under the bill, and would render this reporting requirement inoperative on January 1, 2021.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) In 1998, the Legislature expanded the Lanterman
- 4 Developmental Disabilities Services Act to include a
- 5 self-determination pilot program. That pilot program was continued
- 6 by the Legislature in 2002 and 2003. However, the pilot program
- 7 was only available at five regional centers and the number of
- 8 individuals served by the self-determination pilot program remains
- 9 small, about 200 regional center consumers.
- 10 (b) As reflected in the State Department of Developmental
- 11 Services 2002 Report to the Legislature, the pilot program remains
- 12 an innovative, cost-effective and successful way of providing
- 13 services to regional center consumers and their families. The
- 14 findings in the report show that self-determination pilot program
- 15 participants were happy and experienced more freedom and
- 16 responsibility in controlling the direction of their services and life
- 17 choices, and the program was cost-neutral in the aggregate. The
- 18 report also found that good self-determination requires intensive

1 person-centered planning, collaboration, and follow-along services
2 and supports.

3 (c) Most other states have self-directed services as a model for
4 providing services. Many California consumers and families have
5 asked for a statewide expansion of the pilot program believing it
6 will do the following: increase innovative and effective services,
7 eliminate bureaucracy, and increase choices for consumers and
8 parents, thereby allowing them to increase their control of services
9 and supports by easily navigating increasingly complex service
10 systems.

11 (d) The intent of this act is to allow for voluntary participation
12 in the self-determination projects while ensuring that the project
13 is available to all consumers regardless of geographic location,
14 economic or educational background, or race or ethnicity, and
15 ensuring a consistent statewide method of administration and
16 comparable services. To ensure these outcomes are achieved, it is
17 the intent of the Legislature that the State Department of
18 Developmental Services and local advisory boards be responsible
19 for oversight and monitoring of funds used for self-determination
20 projects and the achievement of consumer outcomes.

21 (e) In addition, the intent of this act is that the self-determination
22 project be phased in over a three-year period and that the project
23 will continue to be available to all consumers as an option after
24 the initial phase-in period ends.

25 SEC. 2. Section 4685.8 is added to the Welfare and Institutions
26 Code, to read:

27 4685.8. (a) Notwithstanding any other provision of law, the
28 department shall implement a statewide self-determination project
29 under which funds from regional center budgets shall be allocated
30 for local self-determination projects that will enhance the ability
31 of a consumer and his or her family to control the decisions and
32 resources required to meet the objectives in his or her individual
33 program plan. The statewide project shall be phased in over three
34 years, and serve up to 2500 regional center consumers.

35 (b) The department in establishing the statewide project shall
36 ensure the following:

37 (1) That self-determination is available as a choice for up to
38 2500 regional center consumers.

39 (2) That participants in the project reflect the disability, ethnic,
40 and geographic diversity of the state.

1 (3) That the project is cost neutral in the aggregate.

2 (4) A statewide method of administration and determining
3 comparable services.

4 (5) Oversight of expenditure of self-directed funds and the
5 achievement of consumer outcomes over time.

6 (c) Self-determination projects funded shall include, but not be
7 limited to, all of the following:

8 (1) Increased consumer and family control over which services
9 best meet their needs and the individual program plan objectives.

10 (2) Comprehensive person-centered planning, including an
11 individual budget and services that are outcome based.

12 (3) Consumer and family training to ensure understanding of
13 the planning process and management of budgets, services, and
14 staff.

15 (4) Choice of independent facilitators who can assist with the
16 person-centered planning process and fiscal intermediaries who
17 can assist with payments and provide employee-related services.

18 (5) Innovation that will more effectively allow consumers to
19 achieve their goals.

20 (6) Programs that provide for the utilization of parent vendors,
21 direct pay options, individual budgets for the procurement of
22 services and supports, alternative case management, and vouchers.

23 (d) Each self-determination project shall establish a local
24 advisory committee to provide oversight of the self-determination
25 project. The regional center, area board, and the Office of Clients'
26 Rights Advocacy of Disability Rights California shall each appoint
27 one-third of the membership of the committee, which shall consist
28 of consumers, family members, clients' rights advocates and other
29 advocates, and community leaders. The committee shall reflect
30 the multicultural diversity and geographic profile of the catchment
31 area. The committee shall review the development and ongoing
32 progress of the self-determination project, including whether the
33 project is operating consistent with the requirements of subdivisions

34 (a) and (b), and may make ongoing recommendations for
35 improvement to the regional center and the department. By
36 September 1, 2016, the local advisory committee shall submit to
37 the department recommendations regarding the effectiveness of
38 the project and the continuation and expansion of self-determined
39 services.

1 (e) The department shall issue a report to the Legislature no
2 later than January 1, 2017, on the status of each self-determination
3 project authorized by this section, and provide recommendations
4 with respect to continuation and expansion.

5 (f) (1) The requirement for submitting a report imposed under
6 subdivision (e) is inoperative on January 1, 2021, pursuant to
7 Section 10231.5 of the Government Code.

8 (2) A report to be submitted pursuant to subdivision (e) shall
9 be submitted in compliance with Section 9797 of the Government
10 Code.